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Attorney for Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL SHORES,

Case No. 1:21-cv-00679-EPG

Plaintiff

STIPULATION AND ORDER
FOR AWARD OF ATTORNEY'S
FEES UNDER THE EQUAL ACCESS TO
JUSTICE ACT (EAJA)

V.

KILOLO KIJAKAZI,

Acting Commissioner of Social Security,

(ECF No. 23)

Defendant

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, to the approval of the Court, that Plaintiff shall be awarded attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. sec. 2412(d), in the amount of FOUR THOUSAND FIVE HUNDRED AND NINETY dollars and NINE cents (\$4,590.09). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this action, in accordance with 28 U.S.C. sec. 2412(d).

After the Court issues an order for payment of EAJA fees and expenses to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. The government's ability to honor the assignment will depend on whether the fees and expenses are subject to an offset allowed under the United States Department of the Treasury's Offset Program pursuant to Astrue v. Ratcliff, 130 S.Ct. 2521 (2010). After the order of EAJA fees and expenses is entered, the government will determine if they are subject to an offset. If it is determined that Plaintiff's EAJA fees and expenses are not subject to an offset under Astrue v. Ratcliff, 130 S.Ct. 2521 (2010) and the Department of Treasury's Offset Program, then the check for

1 EAJA fees and expenses shall be made payable to Jacqueline A. Forslund, based upon Plaintiff's
2 assignment of these amounts to Plaintiff's attorney. The parties agree that whether these checks are
3 made payable to Plaintiff or Jacqueline A. Forslund, such checks shall be mailed to Plaintiff's
4 attorney. This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
5 attorney fees, and does not constitute an admission of liability on the part of Defendant under the
6 EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and bar
7 to, any and all claims that Plaintiff and/or Plaintiff's Counsel may have relating to EAJA attorney
8 fees in connection with this action.

9 Respectfully submitted,

10 Date: July 21, 2022

JACQUELINE A. FORSLUND
Attorney at Law

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13 /s/Jacqueline A. Forslund
JACQUELINE A. FORSLUND
Attorney for Plaintiff

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15 Date: July 22, 2022

PHILLIP A. TALBERT
United States Attorney
LISA A. THOMAS
Regional Chief Counsel, Region VII
Social Security Administration

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19 /s/ Sarah E. Preston
SARAH E. PRESTON
Special Assistant United States Attorney
20 *By email authorization
21 Attorney for Defendant
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ORDER

IT IS HEREBY ORDERED that, based on the parties' stipulation for the award of attorney fees pursuant to the and Equal Access to Justice Act, 28 U.S.C. § 2412(d), (ECF No. 23), attorney fees in the amount of FOUR THOUSAND FIVE HUNDRED AND NINETY dollars and NINE cents (\$4,590.09), shall be awarded subject to the terms of the stipulation.

IT IS SO ORDERED.

Dated: July 25, 2022

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE